

**REMARKS**

Applicants respond to the Office Action mailed December 21, 2006, within three months. The Examiner has rejected all pending claims 1-10 and 12. In this Response, Applicants amend claims 1, 4, 6-8, and 10, cancel claims 5 and 12, and add new claim 19. Support for the Amendments is found in the originally-filed specification, claims, and figures. No new matter has been added. Upon entry of the foregoing Amendments, Applicants respectfully request reconsideration of pending claims 1-4, 6-10, and 19 (2 independent claims, 10 claims total) in light of the following Remarks.

Preliminarily, upon prior entry of Applicants' *Response to Restriction Requirement* as EFS-filed on October 23, 2006, the claims of Group I (*i.e.*, Claims 1-10 and 12) were elected (with traverse) and are hereby presented for further prosecution. The claims of Group II, Claims 11 and 13-18 have been withdrawn. Without any prejudice, Applicants maintain the right to subsequently file these claims in a divisional application.

Additionally, Applicants file a terminal disclaimer herewith and submit that said terminal disclaimer submitted herewith, obviate the Examiner's cited nonstatutory double patenting rejection of claims 1-10 and 12.

**Claim Rejections under 35 USC §103(a)**

A. U.S. Patent 6,149,883 (Ketcham et al.) in view of U.S. Patent 3,357,821 (Henrickson et al.)

Claims 1-10 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent 6,149,883 ("Ketcham") in light of United States Patent 3,357,821 ("Henrickson"). More precisely, the Examiner asserts that Ketcham teaches "diluting leachate prior to solvent extraction" within Applicants' claimed pH ranges. Moreover, the Examiner asserts that Henrickson further teaches dilution of molybdenum leach solutions prior to solvent extraction and that it would have been obvious to one skilled in the art to apply the dilution step in Henrickson to the leach liquor of Ketcham. Applicants respectfully traverse the assertion of obviousness as set forth herein. Additionally, claims 5 and 12 have been cancelled. Accordingly, Applicants request withdrawal of any rejections of these claims.

Assuming arguendo that Ketcham and Henrickson teach dilution of a leach liquor prior to solvent extraction, it is Applicants' position that neither Ketcham nor Henrickson teach "adjusting the pH of said metal-bearing solution using chemical pH adjustment to form a pH-adjusted metal-bearing solution" or an "[adjustment of] the pH ..., without use of a diluting solution, in a chemical pH adjustment step, ... prior to entering the solvent extraction step," as presently recited. Support for the recited limitations can be found in Applicants' specification paragraph 27 (teaching no dilution) and paragraph 38 (teaching a chemical pH adjustment step 232). Accordingly, Applicants submit that neither Ketcham nor Henrickson disclose a chemical pH adjustment solution. Moreover, as argued by the Examiner and without concession of fact by Applicant, both Ketcham and Hendrickson teach a diluting solution to dilute a leachate solution prior to solvent exchange, in direction opposition to the presently recited claims, which specifically exclude use of a diluting solution. As such, Applicants submit that all pending claims 1-4, 6-10, and 19, as presently recited, are allowable over the cited references, and respectfully request that the 35 U.S.C. 103(a) rejections be withdrawn.

B. U.S. Patent 5,698,170 (King)

Claims 1 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent 5,698,170 ("King"). More precisely, the Examiner asserts that King teaches "pressure leaching copper ore and then diluting at a ratio of about 1:10 [to] provide the instantly claimed pH." Applicants respectfully traverse the assertion of obviousness as set forth herein. Additionally, claims 5 and 12 have been cancelled. Accordingly, Applicants request withdrawal of any rejections of these claims.

Again, Applicants submit that King does not teach "adjusting the pH of said metal-bearing solution using chemical pH adjustment to form a pH-adjusted metal-bearing solution" or an "[adjustment of] the pH ..., without use of a diluting solution, in a chemical pH adjustment step, ... prior to entering the solvent extraction step," as presently recited. As such, Applicants submit that all pending claims 1-4, 6-10, and 19, as presently recited, are allowable over the cited references, and respectfully request that the 35 U.S.C. 103(a) rejections be withdrawn.

## CONCLUSION

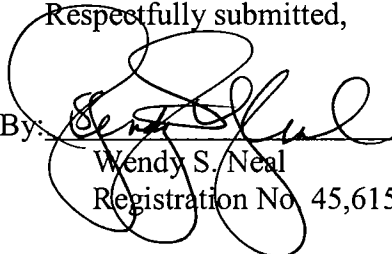
For the foregoing reasons and upon entry of the Amendments set forth above, and Terminal Disclaimer submitted herewith, Applicants respectfully submit that the application and claims are now in condition for allowance, and notice to that effect is earnestly solicited.

Should the Examiner have any questions or concerns with respect to this submission or the application in general, he is invited to contact the undersigned attorney at the telephone number listed below.

No fees are believed to be due by the foregoing submission. However, the Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

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